

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
SAFECO INSURANCE COMPANIES,)	
Plaintiff,)	
)	
VS.)	CIVIL ACTION NO. 04-10989-WGY
)	
NEW ENGLAND FOUNDATION COMPANY,)	
INC., PATRICK A. O'NEILL,)	
and PATRICIA E. O'NEILL,)	
Defendants.)	
_____)	

**ASSENTED TO MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE
RESPOND TO SAFECO INSURANCE COMPANIES' COMPLAINT**

TO THE HONORABLE NATHANIEL M. GORTON, UNITED STATES DISTRICT COURT
JUDGE:

Defendants, New England Foundation Company, Inc., Patrick A. O'Neill and Patricia E. O'Neill (collectively the "Defendants") hereby respectfully request that the Court enter an order extending the deadline within which they may respond to Safeco Insurance Companies' ("Safeco") Motion to Attach the Real Estate of Defendants Patrick A. O'Neill and Patricia O'Neill (the "Motion") to Wednesday, October 27, 2004. In support of their request, the Defendants respectfully state:

1. Lead counsel for the Defendants is working in Rochester and Washington, D.C. on other urgent matters and, therefore, is not available this week to finalize the Defendants' response to the Motion.
2. No hearing has been scheduled yet on the Motion and the requested extension will allow the Defendants to narrow the legal and factual issues in dispute in connection with the Motion.

3. Counsel to Safeco assents to the requested extension.

WHEREFORE, the Defendants respectfully requests that this Court enter an order:

- A. Extending the deadline within which the Defendants may answer or otherwise respond to Safeco's Motion to October 27, 2004;
- B. Granting such other and further relief as is deemed appropriate or just.

Respectfully submitted,

NEW ENGLAND FOUNDATION
COMPANY, INC., PATRICK A. O'NEILL,
AND PATRICIA E. O'NEILL,

By their attorneys,

Dated: October 21, 2004

/s/ Francis C. Morrissey
John V. Snellings (BBO # 548791)
Francis C. Morrissey (BBO #567589)
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110
Tel: 617-345-1000
Fax: 617-345-1300

CERTIFICATE OF SERVICE

I, Francis C. Morrissey, hereby certify that on October 21, 2004, I served a copy of the above motion on counsel for Safeco Insurance Companies, Bert J. Capone, Cetrulo & Capone, LLP, Two Seaport Lane, 10th Floor, Boston, MA 02210 by telecopier and first-class mail.

/s/ Francis C. Morrissey
Francis C. Morrissey